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February 9, 2004

VIA FACSIMILE (202) 219-3923
& OVERNITE COURIER

Kathleen Dutt, Esquire
Office of the General Counsel
FEDERAL ELECTION COMMISSION
999 E Street, NW, Room 657
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 FEB 10 P 12:04

RE: MUR 5158: Brady Campaign to Prevent Gun Violence, Brady Campaign to
Prevent Gun Violence-Voter Education Fund and Mark Ingram, as Treasurer

Dear Ms. Dutt:

This is in partial response to the Federal Election Commission's reason-to-believe findings in the above-referenced matter.

I. Reporting Addresses

The Commission found reason-to-believe that the Brady Campaign to Prevent Gun Violence-Voter Education Fund ("the Fund") violated 2 U.S.C. § 434(b) by incorrectly reporting the addresses of eight itemized contributors as part of its April, 2000 Quarterly Report. The eight contributors are reported as having the mailing address of 1225 Eye Street, #1110, Washington, D.C. 20005, which is the address of the Brady Campaign to Prevent Gun Violence ("the Brady Campaign"). The eight contributors are Roscoe Dellums, Mary Lewis Grow, Victoria Reggie Kennedy, Richard Parise, Nancy Schoenke, Phyllis Segal, Jerry Ter Horst and Ray Schoenke.

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Please be advised that, as of the dates of their contributions, the eight contributors at issue were all Members of the Board of Directors (or the spouse of a member) of the Brady Campaign and/or its affiliated § 501(c)(3) organization, the Brady Center to Prevent Gun Violence ("Brady Center").¹ Specifically, in 2000, Ms. Segal was the Chair of the Board of Directors of both the Brady Campaign and the Brady Center. Ms. Grow, Mr. Parise, Ms. Schoenke and Mr. ter Horst were all members of the Board of Directors of the Brady Campaign. Ms. Dellums and Ms. Kennedy were members of the Board of Directors of the Brady Center.² Mr. Schoenke is Ms. Schoenke's spouse.

11 C.F.R. § 104.8(a) requires that political committees report the "mailing address" of its itemized contributors. There is no requirement that FEC reports include home addresses.

The Brady Campaign's office address is the functional equivalent of a Board Member's work address for activities related to the Brady Campaign and Brady Center. Since the eight contributors were Board Members (and one Board Member spouse), the use of the Brady Campaign's office address as the mailing address for these contributors for FEC-reporting purposes was entirely appropriate and permissible under FEC regulations.

By way of background, please be advised that the use of the Brady Campaign's office address as the FEC-reported mailing address for the referenced contributors was also based on special circumstances related to the Brady Campaign and Brady Center.

Specifically, for many years, individuals associated with the Brady Campaign and the Brady Center have been harassed and, in certain instances, threatened by pro-gun advocates. The situation is so serious that the Brady Campaign/Brady Center's office on Eye Street in Washington, D.C. is now a

¹ In 2000, The Brady Campaign to Prevent Gun Violence was named "Handgun Control, Inc.," and The Brady Center to Prevent Gun Violence was named the "Center to Prevent Handgun Violence."

² Attached as "*Attachment 1*" is the first page of the minutes of the January 31-February 1, 2000 Board Meeting of the Brady Campaign and Brady Center, which verifies the Board positions of the referenced individuals.

secured floor, and visitors must be personally escorted from the lobby of the building to the Brady office (while this currently is a common practice for federal government offices, it is extremely uncommon for private offices).

In this context, the staff of the Brady Campaign and its related entities consciously avoid publicly releasing personal information (such as home addresses and home phone numbers) of its Board Members and their families, unless release of such information is mandated by law. Where, as in the instant situation, the pertinent regulation requires simply a "mailing address," the Brady Committee was able to comply with legal requirements without publicly disclosing the home addresses of its Board Members and their families (and thus raising the probability of these individuals receiving harassing communications at home).

Accordingly, as detailed above, the Brady Committee complied with the requirements of 2 U.S.C. § 434(b) and 11 C.F.R. § 104.8(a) by reporting accurate "mailing addresses" for the eight itemized contributors at issue, and thus requests that the Commission take no further action with respect to this matter.


II. Nelson Press Conference

Attached please find copies of the prepared Statements of Sarah Brady and Jim Brady (*Attachments #2 and #3*) in connection with their personal endorsement of Senator Bill Nelson at a press conference held on October 16, 2000.

Per my voice mail message to you of last week, further information and documents regarding the Nelson press conference and other issues addressed by the Commission's findings will be forwarded to your office next week.

If you have any questions, please call me at (571) 633-9741.

Sincerely,



Leslie J. Kerman

On Behalf Of

Brady Campaign to Prevent Gun Violence, Brady
Campaign to Prevent Gun Violence-Voter Education
Fund and Mark Ingram, as Treasurer

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HANDGUN CONTROLATTACHMENT #1

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

**Minutes of the January 31 - February 1, 2000
HCI/CPHV Board Meeting**

HCI/CPHV Chair Sarah Brady called the meeting to order at 6:10 p.m.

The following Board members were present (either throughout or during the indicated portions of this two-day meeting):

HCI Board

Sarah Brady, HCI Chair
Phyllis Segal, Board Chair
David Birenbaum
Stan Foster
Mary Lewis Grow
Frank Hartmann
Bryan Miller
Dick Parise
John Phillips
John Rosenthal
Nancy Schoenke
Jerry terHorst

CPHV Board

Sarah Brady, CPHV Chair
Phyllis Segal, Board Chair
Jim Brady (afternoon)
David Birenbaum
Nick Brown
Roscoe Dellums
Stan Foster
Mary Lewis Grow
Frank Hartmann
Vicki Kennedy
John Phillips
John Rosenthal

The following Officers were present (either throughout or during the indicated portions of this two-day meeting):

Mark Ingram, Treasurer
Byrl Phillips-Taylor, Secretary
Bob Walker, President
Chris Carr, Acting President,
effective February 2

Adoption of Agenda

A motion to adopt the agenda was moved and seconded. The motion was approved unanimously.

Statement Of Sarah Brady
Endorsement of Bill Nelson
October 16, 2000

Thank you and good morning. It is an honor to be here with you today.

Jim and I are here to wholeheartedly endorse Bill Nelson as Florida's next United States Senator. He will be a leader on the issue of gun safety. Bill Nelson will take a common sense approach. The people of Florida will have a Senator who votes for them, not the gun lobby.

I also want to talk briefly about Bill McCollum's long career in Congress.

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Despite the fact that the majority of Floridians overwhelmingly voted for twice for gun safety measures, Bill McCollum works to undermine gun safety legislation in Washington.

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In 1990, 84% of Florida voters supported passage of a constitutional amendment that established a three-day waiting period for handgun purchases. However, despite that support, Congressman McCollum returned to Washington, DC and **twice** voted against the Brady law, which provided for a handgun waiting period.

In November of 1998, the voters of Florida once again took the lead on a major public safety issue: closing the gun show loophole.

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They passed a constitutional amendment that allowed counties to establish background checks and waiting periods of up to 5 days for firearm sales. This measure passed by an impressive margin of 72% - 28%. But when the issue of the gun show loophole was debated in Congress in June 1999, Representative McCollum again ignored Florida voters' and opposed the legislation sponsored by Congresswoman Carolyn McCarthy to effectively close the gun show loophole.

Bill McCollum recently called waiting periods "extreme" even though waiting periods had the support of 84% of Floridians in 1990 and of 72% in 1998. It looks like the extreme view is the one taken by Bill McCollum.

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Altogether, Rep. McCollum voted against the Brady Law three times, against the Federal Assault Weapons ban four times and a against closing the gun show loophole.

And let me make something clear, he not only voted against us, he led the opposition. Bill McCollum has done more to undermine common sense gun control than almost any other member of Congress.

Floridians should take a hard look at Bill McCollum's record on the issue of guns. Ask yourselves a simple question: why should you vote for Congressman McCollum when he votes against you on the issue of gun safety at every single opportunity?

The simple answer is: since Bill McCollum listens to the gun lobby instead of Florida voters, you shouldn't send him to the U.S. Senate.

If you care about gun safety, and you want to keep your communities and neighborhoods safe –the choice is clear: vote for Bill Nelson for US Senate on November 7th.

ATTACHMENT #3

Statement of Jim Brady
Endorsement of Bill Nelson
October 16, 2000

I am very honored to endorse Bill Nelson for the United States Senate. He will take his common sense values to Washington. And, as a Republican, I know he will work across party lines to make our country safer.

Make no mistake about it, Bill McCollum is extreme, not mainstream on the issue of guns.

You should know that Bill McCollum has led the opposition in Congress to sensible gun safety laws like the Brady Bill, the federal assault weapons ban and closing the gun show loophole. The gun lobby can always count on Bill McCollum to vote its way.

Through his leadership role on the House Judiciary Committee, Bill McCollum has done more than any member of Congress to undermine common-sense gun laws.

That is not what the people of Florida have shown they want, and it is certainly not what you deserve in a Senator.

The People of Florida deserve a senator who will listen to them, not the gun lobby. Bill Nelson will be a leader in the senate and will work for a safer Florida and a safer America.

Here's a Bear Brady Thumbs up for Florida's next senator, Bill Nelson.

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